

B. REMARKS

The Examiner is thanked for the performance of a thorough search. By this amendment, Claims 8, 20, 25, 37, 57 and 67 have been amended. Hence, Claims 1-90 are pending in this application. Claims 71-76 have been withdrawn from consideration based upon the election for examination of Group I Claims 1-70 and 77-90 as previously made and affirmed herein. The amendments to the claims do not add any new matter to this application. Furthermore, the amendments to the claims were made to improve the readability and clarity of the claims and not for any reason related to patentability. All issues raised in the Office Action mailed June 28, 2004 are addressed hereinafter.

AFFIRMATION OF ELECTION OF CLAIMS FOR EXAMINATION

Applicant hereby affirms the prior oral election of Group I Claims 1-70 and 77-90 for examination with traverse.

REJECTION OF CLAIMS 1, 4, 5, 7, 8, 10, 13, 17, 19, 20, 22, 69 AND 70 UNDER 35 U.S.C. § 102(e)

Claims 1, 4, 5, 7, 8, 10, 13, 17, 19, 20, 22, 69 and 70 were rejected under 35 U.S.C. § 102(e) as being anticipated by *Keesey et al.*, U.S. Patent No. 6,622,167 (hereinafter "*Keesey*"). It is respectfully submitted that Claims 1, 4, 5, 7, 8, 10, 13, 17, 19, 20, 22, 69 and 70 are patentable over *Keesey* for at least the reasons provided hereinafter.

SUMMARY OF *KEESEY*

Keesey describes an intranet server equipped with a local cache and a document shadowing program. Intranet servers so equipped are referred to as "document shadowing

servers” (DSSs). The document shadowing program can be configured to operate in either a passive mode or in an active mode.

When operating in the passive mode, a DSS receives a request for a document from a downstream DSS or user. If the requested document is both a priority document and is available from the local cache of the DSS, then the DSS supplies a copy of the document to the downstream DSS or user that made the request. Otherwise, the DSS provides a request to the next upstream DSS or the Internet. When the DSS receives a response back from an upstream DSS or the Internet, the DSS determines whether the response includes a document. If so, then the DSS stores the document in its local cache if the usage count for the document equals or exceeds a predetermined threshold level and if the document is a revised version of a document stored in the local cache. The DSS then provides a response to the downstream requestor, which may or may not include a document, depending upon whether the downstream requestor is another DSS or a user.

When operating in the active mode, a DSS is configured to periodically request new versions of documents stored in its local cache. New versions are then substituted for old versions stored in the local cache of the DSS. In the active mode, requests for new versions of documents are pushed upstream from a DSS and new versions of documents are pushed downstream from a DSS towards users.

CLAIM 1

Claim 1 recites a method for managing data stored in a cache that requires:

“providing a first version of data in response to receiving a first request for data;
detecting, independent of any request for the data, that a second more recent version of
the data is available;
in response to detecting that the second more recent version of the data is available,
retrieving and storing in the cache the second more recent version of the data;

receiving a second request for the data; and
in response to receiving the second request for the data,
retrieving the second more recent version of the data from the cache, and
providing the second more recent version of the data.”

It is respectfully submitted that Claim 1 is patentable over *Keesey* because Claim 1 includes one or more limitations that are not taught or suggested by *Keesey*. For example, it is respectfully submitted that the Claim 1 limitations of “detecting, independent of any request for the data, that a second more recent version of the data is available” and “in response to detecting that the second more recent version of the data is available, retrieving and storing in the cache the second more recent version of the data” are not taught or suggested by *Keesey*.

In both the passive and active modes of operation, a DSS may determine whether a new version of a document is available only after the DSS requests and receives a document from an upstream DSS or the Internet. The DSS may then determine whether the received document is a revised version of an existing document stored in the local cache of the DSS. Thus, in *Keesey*, the determination of whether a new version of a document is available necessarily depends upon a DSS first making a request for the document from an upstream DSS or the Internet. It is therefore respectfully submitted that the Claim 1 limitation of “detecting, independent of any request for the data, that a second more recent version of the data is available” is not taught or suggested by *Keesey*.

Moreover, a more recent version of a document is not retrieved in response to determining that a more recent version is available. In the passive mode, a request from a downstream DSS or user is passed along to an upstream DSS or the Internet. In the active mode, requests are periodically generated and sent to an upstream DSS or the Internet. In both modes of operation, a document is first retrieved by a DSS from an upstream DSS or the Internet, and

then a determination is made whether a more recent version of the document is available. Thus, it is respectfully submitted that the other Claim 1 limitation of “in response to detecting that the second more recent version of the data is available, retrieving and storing in the cache the second more recent version of the data” is not taught or suggested by *Keesey* since in *Keesey*, a request for a document is not made in response to detecting that a more recent version of a document is available.

It view of the foregoing, it is therefore respectfully submitted that Claim 1 includes one or more limitations that are not taught or suggested by *Keesey* and is therefore patentable over *Keesey*.

CLAIMS 4, 5, 7, 8 AND 10

Claims 4, 5, 7, 8 and 10 all depend from Claim 1 and include all of the limitations of Claim 1. It is therefore respectfully submitted that Claims 4, 5, 7, 8 and 10 are patentable over *Keesey* for at least the reasons set forth herein with respect to Claim 1. Furthermore, it is respectfully submitted that Claims 4, 5, 7, 8 and 10 recite additional limitations that independently render them patentable over *Keesey*.

CLAIMS 13, 17, 19, 20 AND 22

Claims 13, 17, 19, 20 and 22 recite limitations similar to Claims 1, 5, 7, 8 and 10, except in the context of computer-readable media. It is therefore respectfully submitted that Claims 13, 17, 19, 20 and 22 are patentable over *Keesey* for at least the reasons set forth herein with respect to Claims 1, 5, 7, 8 and 10.

CLAIMS 69 AND 70

Claims 69 and 70 recite limitations similar to Claim 1, except in the context of detecting whether new data that is not stored in the cache is available. It is therefore respectfully submitted that Claims 69 and 70 are patentable over *Keesey* for at least the reasons set forth herein with respect to Claim 1.

In view of the foregoing, it is respectfully submitted that Claims 1, 4, 5, 7, 8, 10, 13, 17, 19, 20, 22, 69 and 70 are patentable over *Keesey*. Accordingly, reconsideration and withdrawal of the rejection of Claims 1, 4, 5, 7, 8, 10, 13, 17, 19, 20, 22, 69 and 70 under 35 U.S.C. § 102(e) as being anticipated by *Keesey* is respectfully requested.

REJECTION OF CLAIMS 2, 3, 6, 9, 11, 12, 14, 15, 18, 21, 23-69 AND 77-90 UNDER 35 U.S.C. § 103(a)

Claims 2, 3, 6, 9, 11, 12, 14, 15, 18, 21, 23-69 and 77-90 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Keesey*. It is respectfully submitted that Claims 2, 3, 6, 9, 11, 12, 14, 15, 18, 21, 23-69 and 77-90 are patentable over *Keesey* for at least the reasons provided hereinafter.

CLAIMS 2, 3, 6, 9, 11 AND 12

Claims 2, 3, 6, 9, 11 and 12 all depend from Claim 1 and include all of the limitations of Claim 1. It is therefore respectfully submitted that Claims 2, 3, 6, 9, 11 and 12 are patentable over *Keesey* for at least the reasons set forth herein with respect to Claim 1. Furthermore, it is respectfully submitted that Claims 2, 3, 6, 9, 11 and 12 recite additional limitations that independently render them patentable over *Keesey*.

CLAIMS 14, 15, 18, 21, 23 AND 24

Claims 14, 15, 18, 21, 23 and 24 recite limitations similar to Claims 2, 3, 6, 9, 11 and 12, except in the context of computer-readable media. It is therefore respectfully submitted that Claims 14, 15, 18, 21, 23 and 24 are patentable over *Keesey* for at least the reasons set forth herein with respect to Claims 2, 3, 6, 9, 11 and 12.

CLAIMS 25-36

Claim 25, as amended, recites “detecting, independent of any request for the data, that a second more recent version of the data is available.” As set forth herein with respect to Claim 1, *Keesey* does not teach or suggest detecting that a more recent version of a document is available independent for any requests for data, since the determination of whether a new version of a document is available necessarily depends upon a DSS first making a request for the document from an upstream DSS or the Internet. It is therefore respectfully submitted that Claim 25, as amended, includes one or more limitations that are not taught or suggested by *Keesey* and is therefore patentable over *Keesey*. Claims 26-36 depend from Claim 25 and include all of the limitations of Claim 25. It is therefore respectfully submitted that Claims 26-36 are also patentable over *Keesey*.

CLAIMS 37-48

Claims 37-48 recite limitations similar to Claims 25-36, except in the context of computer-readable media. It is therefore respectfully submitted that Claims 37-48 are patentable over *Keesey* for at least the reasons set forth herein with respect to Claims 25-36.

CLAIMS 49-58

Claim 49 requires “determining, for each of the one or more data items, independent of any request for any of the one or more data items, whether a newer version of the data item is available.” As set forth herein with respect to Claim 1, *Keeseey* does not teach or suggest detecting that a more recent version of a document is available independent for any requests for data, since the determination of whether a new version of a document is available necessarily depends upon a DSS first making a request for the document from an upstream DSS or the Internet. It is therefore respectfully submitted that Claim 49 includes one or more limitations that are not taught or suggested by *Keeseey* and is therefore patentable over *Keeseey*. Claims 50-58 all depend from Claim 49 and include all of the limitations of Claim 49. It is therefore respectfully submitted that Claims 50-58 are also patentable over *Keeseey*.

CLAIMS 59-68

Claims 59-68 recite limitations similar to Claims 49-58, except in the context of computer-readable media. It is therefore respectfully submitted that Claims 59-68 are patentable over *Keeseey* for at least the reasons set forth herein with respect to Claims 49-58.

CLAIMS 69 AND 70

Claim 69 requires “detecting, independent of any request for data, that new data that is not stored in the cache is available.” As set forth herein with respect to Claim 1, *Keeseey* does not teach or suggest detecting that a more recent version of a document is available independent for any requests for data, since the determination of whether a new version of a document is available necessarily depends upon a DSS first making a request for the document from an upstream DSS or the Internet. It is therefore respectfully submitted that Claim 69 includes one

or more limitations that are not taught or suggested by *Keesey* and is therefore patentable over *Keesey*. Claim 70 recites limitations similar to Claim 69, except in the context of a computer-readable medium. It is therefore respectfully submitted that Claim 70 is also patentable over *Keesey*.

CLAIMS 77 AND 78

Claim 77 requires “detecting, independent of any request for the content, that a second more recent version of the content is available on the origin server.” As set forth herein with respect to Claim 1, *Keesey* does not teach or suggest detecting that a more recent version of a document is available independent for any requests for data, since the determination of whether a new version of a document is available necessarily depends upon a DSS first making a request for the document from an upstream DSS or the Internet. It is therefore respectfully submitted that Claim 77 includes one or more limitations that are not taught or suggested by *Keesey* and is therefore patentable over *Keesey*. Claim 78 recites limitations similar to Claim 77, except in the context of a computer-readable medium. It is therefore respectfully submitted that Claim 78 is also patentable over *Keesey*.

CLAIMS 79-89

Claim 79 requires “detect, independent of any request for content, that a second more recent version of the content is available.” As set forth herein with respect to Claim 1, *Keesey* does not teach or suggest detecting that a more recent version of a document is available independent for any requests for data, since the determination of whether a new version of a document is available necessarily depends upon a DSS first making a request for the document from an upstream DSS or the Internet. It is therefore respectfully submitted that Claim 79

includes one or more limitations that are not taught or suggested by *Keesey* and is therefore patentable over *Keesey*. Claims 80-89 all depend from Claim 79 and include all of the limitations of Claim 79. It is therefore respectfully submitted that Claims 80-89 are also patentable over *Keesey*.

CLAIM 90

Claim 90 requires “detect, independent of any requests for data stored in the cache, that a second more recent version of the data is available.” As set forth herein with respect to Claim 1, *Keesey* does not teach or suggest detecting that a more recent version of a document is available independent for any requests for data, since the determination of whether a new version of a document is available necessarily depends upon a DSS first making a request for the document from an upstream DSS or the Internet. It is therefore respectfully submitted that Claim 90 includes one or more limitations that are not taught or suggested by *Keesey* and is therefore patentable over *Keesey*.

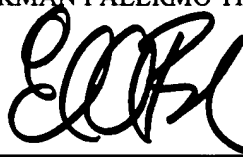
In view of the foregoing, reconsideration and withdrawal of the rejection of Claims 2, 3, 6, 9, 11, 12, 14, 15, 18, 21, 23-69 and 77-90 under 35 U.S.C. § 103(a) as being unpatentable over *Keesey* is respectfully requested.

It is respectfully submitted that all of the pending claims are in condition for allowance and the issuance of a notice of allowance is respectfully requested. If there are any charges, please charge them to Deposit Account No. 50-1302.

The Examiner is invited to contact the undersigned by telephone if the Examiner believes that such contact would be helpful in furthering the prosecution of this application.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP



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Date: August 13, 2004

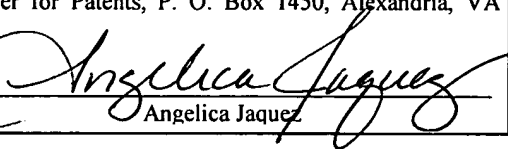
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on August 13, 2004

by



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